

REMARKS/ARGUMENTS

In response to the Office Action of May 04, 2004, and telephonic interview conducted on October 21, 2004, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Applicants would like to thank Examiner Nguyen for the courtesies extended during the telephonic interview conducted on October 21, 2004.

No new matter has been added by the amendments to the specification.

A second substitute Sequence Listing disclosing the originally filed sequence and other amendments corresponding to the second substitute Sequence Listing have been added.

A protocol in the experimental section of the detailed description has been amended to properly identify the trademark SEPHAROSE using capitalization.

The Prior Art section has been amended to correct a typographical error found in international application number and to include corresponding international publication number, on page 4, line 19.

The abstract has been amended to remove the legal phraseology ("said").

No new matter has been added by amendments to claims.

Claims 1 and 36 have been amended. Claims 41 to 43 have been cancelled. Claims 1, 36 to 40 are pending in the instant

application.

Claim 1 has been amended to clearly indicate the claim does not read on a naturally occurring protein, see page 31, lines 9-12 for support.

Claim 36 has been amended to more clearly disclose the relationship between the mass spectrum profiles of an isolated biopolymer having SEQ ID NO.: 1 to mass spectrum profiles of peptides elucidated from said sample and confirming the presence of the isolated biopolymer marker having SEQ ID NO:1 in a sample that displays a peak profile at about 1350 Da in the mass spectrum. The above addition to the claims find basis throughout the originally filed disclosure, see for example page 17, lines 11 to 14 and paragraph bridging pages 26 and 27.

Sequence Compliance

Applicants provided a Sequence Listing (in both paper and computer readable form) disclosing SEQ ID NO: 1 on April 22, 2002 and a substitute Sequence Listing on June 13, 2003. During the interview of October 21, 2004, Examiner Nguyen maintained the lack of support for the first and last amino acid residues of SEQ ID NO:1 as added by the substitute Sequence Listing field on June 13, 2003. Although Applicants contend that the first (D) and last (G) of the amino acids in SEQ ID NO: 1 were clearly shown in Figures 1 and 2 as originally filed, in order to further patent prosecution Applicants herein provide a second substitute Sequence Listing (in both paper and electronic computer readable form) to replace the

previously submitted substitute Sequence Listing (filed on June 13, 2003). The second substitute Sequence Listing submitted herewith contains a Sequence Listing which removes the first (D) and last (G) amino acid residues in SEQ ID NO: 1. The computer readable form of the second substitute Sequence Listing is identical to the paper copy of the second substitute Sequence Listing. The claims, as herein amended, limit the marker sequence to amino acid residues SESDFLAEAGGGVR as originally disclosed in the specification on page 27, line 18.

Request for Rejoining of Claims

Considering that claims 36-40 are limited to the use of an isolated biopolymer marker having SEQ ID NO:1, a search of these claims would encompass this specific peptide recited in claim 1. As was mentioned in the Response filed on February 4, 2002 and June 13, 2003, the instant application is related in claim format to several other pending applications, of which serial number 09/846,352 is exemplary. In an effort to maintain equivalent scope in all of these applications, Applicants respectfully request that the Examiner consider rejoining claim 1 in the instant application, which is currently drawn to a non-elected invention, under *In re Ochiai* (MPEP 2116.01) with claims 36-40 of the elected invention (Group II), upon the Examiner's determination that the claims of the elected invention is allowable and in light of the overlapping search.